

ORDINANCE NO. _____, SERIES 2007

AN ORDINANCE REPEALING SECTIONS 32.400-32.404, 32.660-32.663, 32.920, 32.935-32.936, 32.945, AND RE-ENACTING VARIOUS SECTIONS OF THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO) CHAPTER 32, RELATING TO ADMINISTRATIVE BODIES, PURSUANT TO KRS 67C.115 (2) AND (3) (As Amended).

Sponsored By: Councilmen Downard and Blackwell

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: KRS 67C.115 (3) states that all ordinances of the city and county creating agencies and boards and interlocal agreements shall survive and be deemed reenacted by the council. All members may serve the balance of the terms to which they were appointed and until their successors are appointed and duly qualified according to law; and

SECTION II: Pursuant to KRS 67C.115 (2), various sections of LMCO Chapter 32 entitled, "Administrative Bodies," are hereby reenacted or repealed as follows:

~~COMMUNITY ECONOMIC DEVELOPMENT CORPORATION~~

~~§ 32.001 AUTHORITY TO INCORPORATE.~~

~~— Louisville/Jefferson County Metro Government hereby retains a nonprofit corporation pursuant to the provisions of the Kentucky Nonprofit Corporation Act, to be named the Jefferson County Community Economic Development Corporation and to act in the acquisition and financing of "public projects" (within the meaning of the Act) for public purposes which may properly be undertaken pursuant to the relevant provisions of Kentucky law. For such purposes, the Mayor is hereby authorized and directed to execute, acknowledge, and file Articles of Incorporation for the Corporation substantially in the form attached as Exhibit A to Ordinance 4~~

~~1987, with such necessary and appropriate variations, omissions, and insertions as the Mayor in his discretion shall determine, and the execution of said articles shall constitute conclusive evidence of such determination.~~

~~**§ 32.002 FURTHER ACTS AND DEEDS.**~~

~~The Mayor and other appropriate officers, agents and employees of the Metro Government are hereby authorized and directed to execute, acknowledge, and deliver such other instruments and papers and to take such other actions as may be necessary or desirable to effect the transactions authorized in § 32.001.~~

GENERAL PROVISIONS

§ 32.200 PERSONS TO SERVE ON ONLY ONE BOARD OR COMMISSION.

That the Metro Council and the Mayor declare that it shall henceforth be the policy of the Louisville/Jefferson County Metro Government that a person appointed to serve on a Board or Commission shall not at the same time serve on another, unless such service is expressly authorized by Ordinance or state statute.

§ 32.201 POSITIONS OF CHAIRMAN EMERITUS, MEMBER EMERITUS WHEN APPLICABLE.

(A) There is hereby created the position of Chairman Emeritus. Said position shall be filled by appointment of the Mayor and shall exist for such duration as the Mayor shall designate. Said position shall create no voting or decision making authority but shall entitle the appointee a forum on matters which shall from time to time arise in the ordinary course of business of the Board to which the appointment was made.

(B) There is hereby created the position of Member Emeritus. Said position shall be filled by appointment of the Mayor and shall exist for such duration as the Mayor shall designate. In no event shall there be an appointment under the authority of this section, for any duration of time, of more than two members to any one board. Said position shall create no voting or decision making authority but shall entitle the appointee(s) a forum on matters which shall from time to time arise in the ordinary course of business of the Board to which the appointment(s) was made.

HISTORIC LANDMARKS AND PRESERVATION DISTRICTS COMMISSION

§ 32.250 PUBLIC PURPOSE.

(A) The Board of Aldermen found in 1973 and this Metro Council does reaffirm that many structures and improvements having a distinctive character or special historic, aesthetic, architectural, or cultural interest or value have been irrevocably altered, modified, demolished, or uprooted notwithstanding the feasibility and desirability of preserving and continuing the use and existence of such structures and improvements. In addition, distinctive or historic neighborhoods, areas, places, and archaeological sites have been and may be similarly uprooted or may have their distinctiveness destroyed, although the preservation thereof may be both feasible and desirable. It is the finding of the Metro Council that the individual nature and character of this metro government cannot be maintained or enhanced by disregarding the historic, aesthetic, architectural, archaeological, or cultural heritage of the Metro Government nor by permitting the destruction of such civic and community assets.

(B) The Metro Council declares as a matter of public policy that the preservation, protection, perpetuation, and use of neighborhoods, areas, places, structures, and improvements

having a special or distinctive character or a special historic, aesthetic, architectural, archaeological, or cultural interest or value and which serve as visible reminders of the history and heritage of this Metro Government, commonwealth, or nation is a public necessity and is required in the interest of the health, prosperity, safety, welfare, and economic well-being of the people.

(C) The purpose of this ordinance is to effect the goals as set forth in the above findings and declaration of public policy and specifically, but not exclusively to:

(1) Effect and accomplish the preservation, protection, perpetuation, and use of historic landmarks, landmark sites, prehistoric or historic archaeological sites, and neighborhoods, areas, places, structures, and improvements having a special or distinctive character or a special historic, aesthetic, architectural, archaeological, or cultural interest or value to this Metro Government, commonwealth, or nation;

(2) Promote the educational, cultural, economic, and general welfare of the people and safeguard the metro government's history and heritage as embodied and reflected in such landmarks, sites, and districts;

(3) Stabilize and improve property values in such districts and in the metro government as a whole and protect citizens' reasonable, consistent expectations as to the future stability and integrity of Districts and the appreciation of property values;

(4) Foster civic pride in the value of notable accomplishments of the past;

(5) Assure that new construction and renovation or alterations to existing structures within historic districts, sites, areas, neighborhoods and places will be compatible with the historic, visual and aesthetic character of such historic district, site, area, neighborhood or place.

(6) Strengthen the economy of the Metro Government;

(7) Protect and enhance the Metro Government's attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry;

(8) Enhance the visual and aesthetic character, diversity, and interest of the Metro Government; and

(9) Maintain a secure and safe environment in such Districts.

§ 32.251 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICATION. The written request submitted by a property owner in a form determined by the Commission which requests approval pursuant to this Ordinance of a proposed exterior alteration to a structure or property.

CERTIFICATE OF APPROPRIATENESS or ***CERTIFICATE.*** That written document issued by the staff or committee certifying that the proposed exterior alteration to a structure or property complies with the guidelines.

COMMISSION. The Historic Landmarks and Preservation Districts Commission established pursuant to § 32.254 of this Ordinance.

COMMITTEE. Any Architectural Review Committee established by the Commission pursuant to this Ordinance.

CONSTRUCTION. The erection, fabrication, assembly or manufacture of the whole or any part of a structure.

CONTRIBUTING STRUCTURE OR PROPERTY. A structure or property that reinforces the visual or physical integrity, historic interpretation, or historic character of a district or local landmark, and which is identified as such by the findings of the Commission at the time of its designation or by findings adopted by a Committee or the Commission based upon a subsequent survey and assessment of the structure(s) or properties(s) in a district or local landmark site, using the criteria for evaluation in § 32.260(E)(1).

DEMOLITION. The destruction of the whole or any part of a structure or the moving of any structure or portion thereof.

DISTRICT. A defined area of the metro government designated as a Historic Preservation District by the Commission and the Metro Council pursuant to this Ordinance or by action prior to the effective date of this Ordinance.

EXTERIOR ALTERATION. Any change to the exterior of a structure or to a property, including demolition and new construction, except those alterations set out in § 32.256(A) of this Ordinance.

GUIDELINES. The distinctive characteristics and the statement of specific principles and standards governing exterior alterations to structures or properties applicable to each district and to local landmarks which are adopted by the Metro Council pursuant to this Ordinance.

INCOME PRODUCING PROPERTY. A structure or property which is used primarily for the purpose of generating revenue whether through lease, rental, or the operation of a commercial enterprise.

LANDSCAPING. Planting shrubs, flowers, ground covers and other vegetation, decorative edging for walks and planting beds, freestanding sculpture and bird baths, in any yard of a structure or property except designated cultural or natural landscapes; and ground-level patios and fountains in a rear yard, fencing not visible from a primary street, and tree removal in a rear yard; but does not include fences visible from a primary street, retaining walls or significant changes in grading or topography in a front yard.

LOCAL LANDMARK. A structure or property, including prehistoric and historic archaeological sites, designated as a local historic landmark by the Commission as provided in this Ordinance or by action prior to the effective date of this Ordinance.

NEW CONSTRUCTION. The erection of a structure upon a property or the erection of an additional structure adjacent to an existing structure whether attached to or detached from such existing District structure.

ORDINARY REPAIRS. Non-structural reconstruction or renewal of any part of a structure for the purpose of its maintenance.

PROPERTY. Any tract of real property on which no structure is located, including public rights-of-way and designated cultural or natural landscapes.

REASONABLE BENEFICIAL USE. The suitability of a structure for its traditional use or any viable alternative use of the structure.

STAFF. Such person or persons employed by the Metro Government and to whom the responsibilities and powers with respect to districts and local landmarks pursuant to this Ordinance have been delegated.

STRUCTURE. Any man-made object having an attachment to, or location upon, the ground or water.

§ 32.253 ARCHITECTURAL REVIEW COMMITTEE.

(A) There is established for each District an Architectural Review Committee which shall have the powers and functions within such District as provided herein.

(B) There is established for the structures or properties designated as local landmarks an Architectural Review Committee which shall have the powers and functions with respect to local landmarks as provided herein.

(C) Each Committee shall consist of seven members, one of whom shall be the Director of the Department of Inspections, Permits and Licenses or his or her designee, two members shall be members of the Commission appointed by the Commission Chairperson and four members who shall be appointed by the Commission and approved by the Metro Council. In the case of a Committee established for a district, no fewer than two members shall be owner-residents or

tenants within such district, one member shall be a real estate professional and one member shall be an architect and one member shall be the owner of income producing property located within the district. All members shall have a known interest in local landmarks districts preservation. Members appointed by the Commission shall serve at the pleasure of the Commission.

(D) Four members shall constitute a quorum of a Committee and the affirmative vote of three members or a majority of the members present, whichever is greater shall be required for any official action to be taken by the Committee.

§ 32.255 STAFF POWERS AND RESPONSIBILITIES.

The Metro Government shall delegate to such staff as deemed appropriate responsibility for providing the necessary assistance and support to the Committees and the Commission. The staff shall have the following powers and responsibilities with respect to districts and local landmarks:

(A) Classify all applications in accordance with § 32.256 of this Ordinance as being exempt, or requiring staff review, or requiring committee review.

(B) Coordinate review of applications with the Department of Inspections, Permits and Licenses and other Metro Government departments or agencies.

(C) Review applications requiring staff review and issue certificates of appropriateness therefore.

(D) Provide assistance to the Committees in review of applications requiring committee review.

(E) Provide assistance to applicants.

(F) Provide assistance to the Commission with respect to appeals of applications, designations of districts and local landmarks and with such other matters as may be requested by the Commission.

§ 32.256 EXTERIOR ALTERATION.

(A) The following activities with respect to a local landmark or to any property or structure located within a district shall not constitute an exterior alteration and shall not require the obtaining of a certificate of appropriateness as provided in this Ordinance.

(1) Ordinary repairs to the exterior of a structure when such work exactly reproduces the existing design and is executed in the existing material;

(2) Installing house numbers, mail boxes, small porch lights, kick plates or door knockers;

(3) Interior alterations which do not cause any exterior alteration;

(4) Painting any material other than masonry and painting any previously painted masonry the same as the existing color or a historically appropriate color in accordance with the guidelines;

(5) Landscaping, tree planting, tree trimming or pruning;

(6) Rear yard improvements not visible from the street at ground level which do not involve alterations to any structure;

(7) Removal of signage without replacement;

(8) Temporary signage or structures where such signage or structure shall be permanently removed within six months;

(9) Emergency repairs ordered by a Building Code enforcement officer in order to protect health and safety.

(B) Any exterior alteration to any local landmark or to any property or structure in a district shall not be commenced by any person without obtaining a certificate of appropriateness as provided in this Ordinance. Applications for certificates of appropriateness for exterior alterations other than those specified in subsection (C) of this section shall be reviewed by the staff as provided in § 32.257 of this Ordinance.

(C) Applications for certificates of appropriateness for the following exterior alterations shall be reviewed by the Committee having jurisdiction as provided in § 32.257 of this Ordinance.

(1) New construction;

(2) Demolition;

(3) Any exterior alteration, the cost of which shall be greater than 25 % of the assessed value of the structure or property; or

(4) Any other application which is determined by the staff to be inappropriate for staff review.

§ 32.257 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

(A) No department or agency of the Metro Government shall issue any building permit, certificate of occupancy or other permit, license or approval for any exterior alteration to a local landmark or to any property or structure in a district unless a certificate of appropriateness for such exterior alteration has been obtained pursuant to this Ordinance.

(B) An application for a certificate of appropriateness shall be submitted to the Department of Inspections, Permits and Licenses. The application shall include at least the following information, unless waived pursuant to subsection (C) of this section:

(1) A site plan, drawn to an appropriate scale, photographs or other presentation media showing the proposed exterior alteration in the context of property lines, adjacent structures, streets, sidewalks, and the like.

(2) Plans, elevations and other drawings, drawn to appropriate scale, and a complete description of the materials to be used, as may be necessary to fully explain the exterior alteration.

In addition to the above information, an application for demolition or new construction shall contain information establishing that the property cannot be put to a reasonable beneficial use without the approval of the proposed work or if income-producing property, information establishing that the applicant cannot obtain a reasonable return from the property without the approval of the proposed work.

(C) Applicants may seek review of a proposal prior to making formal application pursuant to subsection (B) of this section at a pre-application conference. At the conference, the staff may discuss with the applicant the proposed exterior alteration and applicable guidelines, and provide

information about the district, its goals and objectives, and the review process. The staff, at the request of an applicant, may call a meeting of a subcommittee of the Commission and representatives of appropriate Committee or permitting agencies. At this meeting the applicant can discuss with the subcommittee members his proposed exterior alteration, his concepts, and receive information necessary to submit the application. The staff may agree to waive certain of the requirements set out in subsection (B) of this section if it is determined that such requirements are not necessary for review of the application pursuant to this Ordinance.

(D) Within two working days of receipt of an application determined by staff to be complete, the staff shall classify the application as requiring either staff review or Committee review.

(E) An application classified as requiring staff review shall be reviewed by the staff who shall prepare a written decision supported by a finding of fact based upon the guidelines which shall approve the application, approve the application with conditions, or deny the application. If the application is approved or approved with conditions, the applicant shall be issued a certificate of appropriateness.

(F) An application classified as requiring committee review shall be reviewed by the committee having jurisdiction. The application shall first be reviewed by the staff to determine if the proposed exterior alterations are in compliance with the guidelines and the application shall then be forwarded to the committee with the staff's written recommendation to either approve the application, approve the application with conditions or to deny the application.

(G) The applicant and the owners of the real property abutting the property or structure which is the subject of the application shall be sent by first class mail, written notice of the date, time and location of the meeting of the committee at which the application shall be considered. The notice shall be sent no later than seven days prior to the date of the meeting. A notice of the pending application shall be placed on the property or on or near the structure which is the subject of the application by the staff at least seven days prior to the date of the meeting.

(H) The meeting of the committee scheduled to review an application shall constitute a public hearing on such application. The staff shall present a written recommendation prepared in accordance with subsection (F) of this section. The applicant shall present to the Committee such information as is relevant to review of the application. Interested parties shall have the right to testify either orally or in writing, subject to the right of the Chairman to limit repetitious testimony and to exclude irrelevant testimony.

(I) The Committee shall make a decision based upon a written finding of fact, which shall approve the application, approve the application with conditions, deny the application, or defer consideration of the application until a later meeting of the Committee. If the application is approved or approved with conditions, the applicant shall be issued a certificate of appropriateness. Any application which fails to obtain at least three votes or the votes of a majority of the members present, whichever is greater, for approval or conditional approval shall be deemed to be denied.

(J) The staff and the Committee shall, in their decision making capacities, each make a written finding of fact based upon the information presented which supports a written conclusion

that the application demonstrates or fails to demonstrate that the proposed exterior alteration is in compliance with the guidelines.

(K) Any applicant, whose application is denied by the staff or a committee, may appeal the decision to the Commission. The appeal shall be in writing and shall fully state the reasons why the appeal is sought. An appeal shall be filed by an applicant within 30 days of the date of the decision. Upon the receipt by the staff of a timely appeal, the staff shall schedule a meeting of the Commission to consider the appeal. Notice of the meeting shall be mailed to the applicant and other parties of record, by first class mail, at least seven days prior to the date of the meeting. At the meeting to consider the appeal, the Commission shall review the application and the record of the prior proceedings and, at the discretion of the Chairman, may take additional testimony from the applicant or other interested parties for the purpose of supplementing the existing record or for the introduction of new information. Upon review of the record and any supplemental or new information presented at the meeting, the Commission shall make a written determination that the decision shall be upheld or overturned. A decision denying an application shall be overturned by the Commission only upon the written finding that the staff or Committee was clearly erroneous as to a material finding of fact in concluding that the proposed exterior alteration was not in compliance with the guidelines. When the Commission overturns a denial of an application, it shall approve the application, or approve the application with conditions. Any member of the Commission who voted on the application when it was considered by the Committee shall not vote on the question of whether the decision of the Committee shall be upheld or overturned.

(L) An applicant whose application for demolition or new construction has been denied by the Committee may request an economic hardship exemption from compliance with one or more of the guidelines which constituted the basis of the denial of the application pursuant to this paragraph. The request for the exemption shall be in writing and shall be filed with the Commission within ten days of the decision of the Committee. The Commission shall review the documentation and evidence presented before the Committee relevant to determining whether the applicant qualifies for an economic hardship exemption and such relevant evidence presented to it by the applicant or other interested parties. The Commission shall conduct a public hearing on the proposed hardship exemption. Notice of the hearing shall be sent to the applicant and other parties of record, by first class mail, at least seven days prior to the date of the hearing. At the hearing, the Commission shall receive information to supplement the record concerning whether the applicant qualifies for an economic hardship exemption from one or more of the guidelines applicable to the application. The Commission may require the applicant to submit findings from one or more persons determined by the Commission to have expertise in real estate and development who are knowledgeable in real estate economics in general and, more specifically in the economics of renovation, redevelopment and rehabilitation, to review the documentation submitted in accordance with § 32.257(B)(2) and this section. Within 60 days of the first regular Commission meeting after the applicant's request is filed, the Commission shall render a decision either granting or denying the applicant's request for an economic hardship exemption from compliance with one or more of the guidelines. The decision shall be based upon a written findings of fact. The applicant shall have the burden of showing that the application qualifies for an economic hardship exemption. The Commission shall grant an

economic hardship exemption only if it finds that the applicant has demonstrated through a preponderance of the evidence that:

(1) With respect to an application involving a non-income producing structure or property, the property or structure cannot be put to any reasonable beneficial use according to the guidelines adopted by the Commission for economic hardship without the approval of the application.

(2) With respect to an application involving an income-producing structure or property, the applicant cannot obtain any reasonable return from the property or structure without the approval of the application.

(M) The Commission shall send a copy of the decision and the findings of fact to the applicant. If the Commission denies the request for the economic hardship exemption, the denial of the application shall be final. If the Commission grants the request for the economic hardship exemption, the Commission, within 30 days of the decision, shall approve the application or approve the application with conditions and issue a certificate of appropriateness for the proposed exterior alteration. Notwithstanding the hardship exemption, an applicant shall be required to comply with all guidelines applicable to the proposed exterior alteration other than the guidelines to which the hardship exemption applies.

(N) If, after an applicant has obtained a certificate of appropriateness, the proposed work is amended, the applicant shall submit an amended application to the staff who shall make a determination that the amendment has no significant affect or that the application as amended requires additional review. Review of an amended application shall follow the same procedure as

provided herein for an original application. Upon a determination by the staff that the amended application requires review, the previously issued certificate of appropriateness may be suspended, at the discretion of the staff, pending the review of the amended application.

CIVIL SERVICE BOARD

§ 32.300 COMPENSATION OF MEMBERS.

The compensation of the members of the Civil Service Board is fixed as follows: Each member of the Civil Service Board shall receive \$50 for each day upon which he attends a meeting or hearing of the Board. The amount received for such meetings and hearings shall not exceed to the Board as a whole the sum of \$10,800 in any fiscal year. Compensation for each member shall be paid monthly.

§ 32.301 BOND REQUIREMENT.

Each member of the Board, including the Chairperson, shall execute a cash bond in the sum of \$1 for the faithful performance of his duties according to law, the bond to be posted in cash by the individual member.

~~*HUMAN SERVICES COMMUNITY FUND ADVISORY BOARD*~~

~~§ 32.320 CREATION.~~

~~(A) *Establishment and title.* There is hereby established the Human Services Community Fund Advisory Board, hereinafter referred to as the "Board", which shall be structured and operated in accordance with the provisions contained in this subchapter.~~

~~—(B) *Purpose.* The Board shall review all requests for grants, funds, services, equipment or any other request made by any non-governmental agency, firm, corporation or other entity. In order to be eligible for funding, the applying agency shall have 501(c)(3) status with the Internal Revenue Service and shall attest that the funds will be used for operational or program costs that provide either direct services to populations whose basic needs are being threatened or who have barriers to self sufficiency, or that provide services intended to improve the quality of life of Louisville Metro residents. The Board shall make recommendations to the governing body as to the priority of all such requests and the economic feasibility of granting such requests.~~

~~—(C) *Policies and procedures.* The Board shall develop policies and procedures governing the application for external funding requests and review of the requests and the conduct of Board meetings which policies and procedures shall become effective upon approval of a majority vote of a quorum of Board members present. Any amendments to such policies and procedures shall be approved by a majority vote of a quorum of Board members.~~

~~§ 32.321 COMPOSITION.~~

~~—(A) *Members.* The Board shall be composed of ten members to be appointed as follows:~~

~~—(1) One representative from the executive branch of the government as designated by the chief executive officer of the Metro Government;~~

~~—(2) Three representatives from the legislative body of the government as designated by the legislative body of the government;~~

~~—(3) Three representatives to be the directors of the Departments for Human Services, Housing and Community Development and Community Outreach, or their successors;~~

~~———— (4) Three community representatives knowledgeable in the area of social service delivery to be selected from the historic "A," "B" and "C" districts who shall be appointed by the Chief Executive Officer with the approval of the legislative branch. In addition, there shall be a representative from the Department of Finance and Administration, or any successor agency of such department, who shall serve as an ex officio member of the Board in an advisory capacity.~~

~~———— (B) *Chair and Vice Chair.* The Board Chairperson shall be the Director of Human Services and the vice chairperson shall be the Director of Housing and Community Development or the Director of Community Outreach. The Chairperson and all other members of the Board, except for the ex officio member, shall have the right to vote on any matter properly before the Board. "Properly" refers to any request that has been submitted on an official Board application form.~~

~~———— (C) *Term.* The departmental director representatives shall serve on the Board during their tenures of employment with the government. The Board members appointed by the Chief Executive Officer and the legislative branch shall serve until removed or replaced by the appointing authority. The community representatives shall serve for a minimum period of one year from the date of this subchapter, and may be reappointed.~~

~~§ 32.322 MEETINGS.~~

~~———— (A) *Schedule.* Meetings of the Board shall be held at least on an annual basis, the initial meeting of the Board occurring before the end of the fiscal year.~~

~~———— (B) *Quorum.* At any meeting of the Board, the presence of a simple majority of Board members shall constitute a quorum for the conduct of business.~~

~~—(C) *Disqualification.* Board members who are affiliated, in any capacity, with an agency requesting funds shall be disqualified from voting and offering recommendations on behalf of the agency's application. Any such member who is disqualified from voting shall not participate in any presentation by the agency making the application.~~

~~—(D) *Open meetings.* All meetings of the Board shall be open to the public in accordance with the Kentucky Open Meetings Act, KRS 61.805 et seq.~~

~~§ 32.323 ETHICS.~~

~~—In order to safeguard against conflicts of interest, no Board member shall use his or her position or vote for personal gain, or in violation of the Metro Government's Code of Ethics or of any ordinance pertaining to ethical conduct of conflicts of interest applicable to Metro Government officers or employees.~~

EXTENSION DISTRICT BOARD

§ 32.330 CREATION OF EXTENSION DISTRICT.

Pursuant to KRS 164.620, there is hereby created the Louisville Metro Extension District, whose boundaries shall be coexistent with the boundaries of Jefferson County, and which shall henceforth, from the adoption of this subchapter, constitute a governmental subdivision of the commonwealth and a public body corporate.

§ 32.331 CREATION AND COMPOSITION OF BOARD.

The Louisville Metro Extension District shall be governed by a Board which shall be composed of the Mayor and six other Louisville Metro residents appointed in accordance with KRS 164.635.

§ 32.332 POWERS OF BOARD.

The Louisville Metro Extension Board shall possess all powers granted unto it pursuant to KRS 164.605 to 164.675 and other applicable law.

FREE PUBLIC LIBRARY

§ 32.370 ESTABLISHMENT.

~~(A)~~ ~~(B)~~ (A) Pursuant to KRS 173.105, the Metro Government hereby maintains a library department for the purpose of providing a free public library. The Library Department shall be known as the Louisville Free Public Library.

~~⊖ (B)~~ Employees of the library shall have such rights to collectively bargain as are given to other Metro Government employees by ordinance. ~~In the event that recognition is granted to a collective bargaining organization, negotiations will be led by the Metro Government. Any resulting collective bargaining agreement must be by the Metro Government.~~

~~⊖ (C)~~ The Mayor shall appoint a Director of the Library. The Director shall serve at the pleasure of the Mayor. ~~⊖ (D)~~ (1) There is hereby continued a Louisville Metro Library Advisory Commission.

(2) The Commission may adopt by-laws and such other rules and regulations as may be necessary to its operations.

(3) The Commission shall consist of nine members, all of whom shall be appointed by the Mayor with the approval of the Metro Council. The Mayor, with the approval

of the Metro Council, shall appoint a ninth member to serve as Chairperson of the Commission. The terms of the members shall be three years. Vacancies shall be filled by the appointing authority for the unexpired portion of the term in accordance with the selection process outlined in this section.

(4) The Metro Government may, at the request of the Commission, provide such personnel as may be necessary to carry out the purposes of the Commission. These employees shall be under the direction of the Director of the Library.

(5) Each member shall be at least 18 years of age and the Mayor's appointments must reside within Louisville Metro. No member shall be an employee of the Metro Government.

(6) A member of the Commission may be removed by the Mayor for cause, after a hearing by the Mayor, and after at least ten days' notice in writing has been given to the member of the Commission, which notice shall embrace the charges preferred against the person.

(7) A member of the Commission shall be immediately removed from the Commission if the member has missed three consecutive regular meetings of the Commission, without sufficient excuse accepted by the whole Commission.

(8) Members of the Commission shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties subject to available funds.

(9) The Commission shall have sole authority within the funds available for the determination of library materials to be purchased and kept by the library and shall have sole authority for the determination of the expenditures from gifts and grants donated to the library.

(10) At the request of the Mayor, the Commission may make recommendations on other activities of the library. Such recommendations may include:

- (a) An annual evaluation of the Director's performance;
- (b) An annual evaluation of the adequacy of services provided to the community by the library;
- (c) Annual and long-range goals and priorities of the library;
- (d) The establishment of a citizen's complaint procedure; and
- (e) The use and management of volunteers.

⊖ (E) This section supersedes and replaces any other agreement or understanding of the Metro Government on the operation of the Louisville Free Public Library.

~~§ 32.371 LIBRARY ADVISORY BOARD; MEMBERSHIP.~~

~~Appointments by the Mayor to the Library Advisory Board shall require approval of the Metro Council.~~

~~§ 32.372~~ § 32.371 MASTER FACILITIES PLAN.

The Master Facilities Plan for the Louisville Free Public Library as adopted by the Library Advisory Commission on December 17, 2002 is hereby accepted and incorporated by reference as if fully set forth herein as the Library Master Facilities Plan for the Louisville Metro Area.

COUNTY LAW LIBRARY

§ 32.375 APPOINTMENT OF TRUSTEES.

The Mayor, in consultation with the Council, has determined that the appointment of the Trustees of the Louisville/Jefferson County Law Library, established pursuant to KRS 172.200, shall not require the approval of the Council.

OTTER CREEK COMMISSION

~~§ 32.400 ESTABLISHMENT; TITLE TO PROPERTY.~~

~~—(A)— There is created the Louisville/Jefferson County Otter Creek Commission to operate, improve, maintain, police, and conduct programs on lands now owned and to be acquired by the Metro Government in Meade County, Kentucky, to be known as Otter Creek Park.~~

~~—(B)— Title to all property, real and personal, in Otter Creek Park shall be in the Louisville/Jefferson County Metro Government.~~

~~§ 32.401 ORGANIZATION.~~

~~—(A)— The Commission shall consist of nine persons appointed by the Mayor subject to the approval of the Metro Council. The terms of the members shall extend from January 1 of one year for three years through and until December 31. Members may be reappointed for successive terms and appointed members shall serve until the appointment and qualification of his successor. Any person appointed by the Mayor to serve on this Commission shall be a resident and domiciliary of Jefferson County at the time of his or her appointment and shall remain so at all times during his or her term of office. However, any person serving on this commission as of August 17, 1979, may continue to serve and may be reappointed to another term, if and when appropriate, regardless of residency. In the event a resident cannot be found to serve on this~~

~~Commission within reasonable time and after a reasonable search, the Metro Council may by resolution waive the residency requirement. The terms of the members serving on the Louisville/Jefferson County Otter Creek Commission as of the passage of this ordinance shall be as presently designated.~~

~~—(B)— One of the members of the Commission shall be Chairman and one shall be a Vice-Chairman, both of whom shall be elected by the Commission to serve for periods of one year.~~

~~—(C)— The members of the Commission shall serve without compensation.~~

~~—(D)— The Commission may select the necessary employees and shall employ only trained, qualified persons. The Executive Director of the Louisville/Jefferson County Otter Creek Commission shall be appointed by and serve at the pleasure of the Mayor. The salary of the Executive Director shall be provided in accordance with the Metro Government personnel rules and regulations.~~

~~—(E)— Any member of the Louisville/Jefferson County Otter Creek Commission may be removed for cause by the Mayor, after a hearing by the Mayor, and after at least ten days notice of the hearing has been given in writing to the member which notice shall embrace the charges preferred against the member. At the hearing the members may be represented by counsel. Removal of a member results in vacancy in the office. An appeal from the decision of the Mayor may be taken to Circuit Court for a hearing de novo.~~

~~—(F)— A member of the Louisville/Jefferson County Otter Creek Commission shall be immediately removed from the Commission if the member has missed three consecutive regular meetings of the Commission, without sufficient excuse accepted by the whole Commission.~~

~~§ 32.402 MEETINGS.~~

~~—The Commission may meet as often as it deems necessary, but it shall meet no less than six times a year. The meeting place shall be at a location designated by the Chairman.~~

~~§ 32.403 POWERS.~~

~~—(A)—The Commission is empowered to prescribe admissions, fees, rentals, concessions, and other charges for the use of such area or its facilities.~~

~~—(B)—Nothing contained herein shall be construed as limiting or in any manner affecting the authority of the Director of Parks of the Metro Government, the Commission herein provided for being for the sole purpose of operating the Otter Creek Park.~~

~~§ 32.404 FUNDS.~~

~~—All income realized in connection with the operation of such area shall be deposited with the Director of Public Finance of the Metro Government, who shall keep accounts of funds received and disbursed. Expenditures shall be by order of the Commission or such person as may be designated by the Commission.~~

PUBLIC PROPERTIES CORPORATION

~~§ 32.420 PURCHASE OF PROPERTY.~~

~~—The Board of Alderman approved the purchase and acquisition of the property located on the east and west sides of Fifth Street south of York Street, more particularly identified as Lots 37-40 on the west side of Fifth Street and Lots 54-68 on the east side of Fifth Street, as shown on~~

~~Louisville City map 29D, for a purchase price of \$1,125,000, in accordance with the memorandum of understanding entered into between the City of Louisville and Cooke Pontiac Company on May 27, 1977.~~

~~**§ 32.421 ADVANCEMENT OF FUNDS.**~~

~~—The Board of Alderman approved the advancement by City of Louisville of the necessary funds to effect the purchase, either out of existing available funds or through interim financing arranged by the Mayor on behalf of the City of Louisville whichever method deemed by the Mayor to be most advantageous to the City of Louisville. The funds advanced for the purchase were in contemplation of the issuance of bonds and in contemplation of the City of Louisville being reimbursed for the amount advanced by the city out of the first proceeds of such bonds.~~

~~**§ 32.422**~~ **§ 32.420** **CREATION.**

The Metro Council retains a holding company formed as a nonprofit agency and corporation to be known as the Louisville Public Properties Corporation.

~~**§ 32.423 AUTHORIZATION.**~~

~~—(A) The Board of Alderman authorized, approved, and specifically ordered that the corporation make arrangements for the authorization, public sale, issuance, and delivery of holding company bonds to finance the purchase and acquisition of the property described under § 32.420.~~

~~—(B) The Board of Aldermen further authorized, approved, and specifically ordered that an arrangement be made whereby the corporation will acquire the property, mortgage the property~~

~~as security for the bonds, and lease the property to the Louisville/Jefferson County Metro Government for a period of one year, with the Metro Government having an annual option to renew from year to year for periods of one year at a time, at rental sufficient to pay the principal and interest requirements of the bonds, which lease will provide that the property will be conveyed to the Metro Government after the bonds have been retired.~~

~~—(C) The Council further authorized, approved, and specifically ordered that appropriate arrangements be made with the corporation so that the City of Louisville pledged and covenanted that it will enter into these arrangements with the corporation only if the issuance of bonds contemplated and required that the first proceeds of the bonds be applied to reimburse the Metro Government, whether for the purpose of reimbursing amounts advanced by the City of Louisville out of existing city funds or for the purpose of enabling the Metro Government to repay interim financing borrowed in anticipation of the issuance of the bonds.~~

MEMORIAL COMMISSION

§ 32.440 ESTABLISHMENT.

The Louisville/Jefferson County Memorial Commission is established and operates under provisions of KRS 97.630 through 97.780.

LABOR-MANAGEMENT COMMITTEE

§ 32.460 CREATION.

There is created in and retained by the Metro Government a citizens Committee consisting of 18 members to be known officially as the Louisville Labor-Management Committee and the

Mayor is authorized and directed to appoint the original members thereof. Any and all vacancies occurring in the Committee, whether for unexpired or new terms, shall be filled by the remaining members of the Committee.

§ 32.461 ORGANIZATION.

The Committee shall consist of six recognized members from labor, six recognized members from industry, and six members from the public at large.

§ 32.462 DUTIES.

The Louisville Labor-Management Committee shall be the directing body for the purpose of promoting industrial peace and effectuating full and uninterrupted employment within Jefferson County.

§ 32.463 FUNDS.

The Metro Council shall make such appropriations for the operation of the Committee as in its discretion shall be necessary for its proper functioning.

VACANT PROPERTY REVIEW COMMISSION

§ 32.515 FINDINGS.

The Metro Council does declare that there exist in the Metro Government blighted and deteriorated properties, and that there is need in the Metro Government for the exercise of powers, functions, and duties conferred by KRS Ch. 99, and further, adopt the provisions of KRS Ch. 99 that deal with neighborhood revitalization.

§ 32.516 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLIGHTED PROPERTY or ***DETERIORATED PROPERTY***. Any vacant structure, or vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood:

(1) Which because of the physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the Metro Government housing, building, plumbing, fire, or related codes; or

(2) Which because of physical condition, use, or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

(3) Which because it is dilapidated, unsanitary, unsafe, vermin-infested, or lacking in the facilities and equipment required by the housing code of the Metro Government, has been designated by the department responsible for enforcement of the code as unfit for human habitation; or

(4) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property; or

(5) From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use; or

(6) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin; or

(7) Which has been tax delinquent for a period of at least three years; or

(8) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.

REDEVELOPMENT. The planning or replanning, design or redesign, acquisition, clearance, development and disposal, or any combination of these, of a property and the preparation of such property for residential and related uses as may be appropriate or necessary.

RESIDENTIAL AND RELATED USE. Residential property for sale or rental and related uses; including, but not limited to, park and recreation areas, neighborhood community service and neighborhood parking lots.

VACANT PROPERTY REVIEW COMMISSION. A Commission established by this subchapter to review vacant properties to make a written determination of blight and deterioration.

§ 32.517 ESTABLISHMENT; POWERS.

(A) There is established a Vacant Property Review Commission which shall operate under the auspices of the Department of Housing.

(B) The Commission may adopt by-laws and such other rules and regulations as may be necessary to its operations, subject to approval by the Department of Housing. The Commission

shall conduct regular or special meetings as it deems necessary and shall keep minutes and records of all proceedings, including the number of votes for and against each question and the record of the vote of each member. A simple majority of the total membership of the Commission shall constitute a quorum for the transaction of business.

§ 32.519 CERTIFICATION OF PROPERTY AS BLIGHTED.

(A) The Commission shall have the following functions: To determine whether a property is blighted or deteriorated when it has been referred to the Commission by the appropriate Metro Government agency as tax delinquent or in violation of local codes.

(B) Certification of property as blighted or deteriorated may be made only after the following determinations have been made:

(1) That the owner of the property or designated agent has been sent an order by the appropriate Metro Government agency to eliminate the conditions which are in violation of local codes or law;

(2) That the property is vacant;

(3) That the property is blighted and deteriorated;

(4) That the Commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent and any interested parties of record have failed to comply with the notice; and

(5) That the Planning Commission has determined that the reuse of the property for residential and related use is in keeping with the comprehensive plan.

(C) The findings required in subsection (B) above shall be in writing and included in the report to the Metro Council.

(D) Upon making a written determination of blight or deterioration, the Commission shall notify the owner of the property or a designated agent and any interested party of record that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the Metro Government under this subchapter and KRS Ch. 99. Notice shall be mailed to the owner or designated agent and any interested party of record by certified mail, at their last known address as recorded with the Property Valuation Administration office or the Jefferson County Clerk, return receipt requested. However, if the address of the owner or a designated agent or any interested party of record is unknown and cannot be ascertained by the Commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or his agent or any interested party of record shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within 90 days of the receipt of such notice. If the certified notice is returned as not deliverable, the notice shall be considered delivered as of the mailing date. An extension of the original 90-day time period may be granted by the Commission at the end of that period if the owner or designated agent or any interested party of record demonstrates substantial progress toward abatement and that a specific number of additional days is needed to correct the

conditions cited in the notice. In no event may the time extension go beyond an additional 90-day period.

§ 32.520 EMINENT DOMAIN.

(A) The Metro Council may institute eminent domain proceedings pursuant to KRS Ch. 416 against any property which has been certified as blighted or deteriorated by the Commission, if, in addition, the Metro Council finds:

(1) That such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety, and welfare;

(2) That such property is likely to continue to deteriorate unless corrected;

(3) That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

(4) That the owner of such property has failed to correct the deterioration of the property.

(B) The Metro Council may acquire by eminent domain pursuant to KRS Ch. 416, any property determined to be blighted or deteriorated pursuant to this subchapter, and shall have the power to hold, clear, manage, develop or dispose of property so acquired, for residential and related use pursuant to the provisions of this subchapter and KRS Ch. 99. The Metro Council does hereby delegate the power to hold, clear, manage, or dispose of property so acquired to the Department of Housing or its designee.

§ 32.521 CONFLICT OF INTEREST.

No officer or employee of the Metro Government, or of the Vacant Property Review Commission, who in the course of employment duties is required to participate in the determination of property blight or deterioration or the issuance of notices on violations which may lead to a determination of blight or deterioration, shall acquire any interest in any property declared by the Commission or the Metro Council to be blighted or deteriorated. If any such officer or employee owns or has financial interest, direct or indirect, in any property certified to be blighted or deteriorated, he shall immediately disclose, in writing, such interest to the Commission and to the Metro Council, and that disclosure shall be entered in the minutes of the Commission and of the Metro Council. Failure to so disclose such interest shall constitute misconduct in office. No payment shall be made to any officer or employee for any property or interest therein acquired by the Metro Government from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the Metro Council.

CASH MANAGEMENT COUNCIL

§ 32.560 ESTABLISHMENT.

(A) There is established as an independent agency of the Metro Government a Cash Management Council.

(B) The Cash Management Council shall be chaired by the Treasurer of the Metro Government.

§ 32.561 MEMBERSHIP.

Membership of the Cash Management Council shall consist of the Chair, Secretary-Treasurer of the Louisville/Jefferson County Revenue Commission, the Metro Government Treasurer, the Treasurer of the Jefferson County School System, the Director of Accounting of the Transit Authority of the River City and such other members appointed by the Chair as the Chair deems appropriate, which members shall serve at the pleasure of the Chair. The Metro Council may, at its discretion, appoint one of its members to the Council.

§ 32.562 PURPOSE.

The purpose of the Cash Management Council is to advise the Treasurer, the Cash Control Manager, and the Investments Manager of the Metro Government as to the prudent investment of funds held by the Metro Government and the Louisville/Jefferson County Revenue Commission, including advice as to the management of the Metro Government's investment portfolio, the purchase, sale, and exchange of securities, and the consolidation of the Metro Government's cash management system with all agencies. In all respects the Treasurer of the Metro Government shall be the final authority and his or her decision shall be binding.

ADMINISTRATIVE HEARING BOARD

§ 32.620 ESTABLISHMENT; POWERS.

(A) There is established the Administrative Hearing Board. The Board shall be composed of one or more members appointed by the Mayor. Board members shall serve as hearing officers pursuant to this subchapter. Any action of a hearing officer shall be deemed to be the action of the Board.

(B) The jurisdiction of hearing officers to conduct hearings, issue orders and impose penalties shall be only that specifically granted by ordinance or statute.

§ 32.621 NOTICE.

(A) A hearing officer shall give notice of a hearing to the parties not less than seven days in advance of the date set for the hearing. The notice shall be served on the parties by certified mail, return receipt requested, to the last known address of the parties.

(B) The notice required by this section shall be in plain language and shall include:

- (1) A statement of the date, time, place and nature of the hearing;
- (2) A statement of the issues involved in sufficient detail to give the parties reasonable opportunity to prepare evidence and argument;
- (3) A reference to the specific ordinances and regulations which relate to the issues involved;
- (4) A statement advising the person of his right of legal counsel;
- (5) A statement advising that any party who fails to attend or participate as required at any stage of the administrative hearing process may be held in default.

§ 32.622 SETTLEMENT.

Except to the extent precluded by another provision of law, informal settlement of matters under this chapter is encouraged.

§ 32.623 CONDUCT OF HEARINGS.

(A) A hearing officer shall preside over the conduct of an administrative hearing and shall regulate the course of the proceedings in a manner which will promote the orderly and prompt conduct of the hearing.

(B) To the extent necessary for the full disclosure of all relevant facts and issues, a hearing officer shall afford all parties the opportunity to respond, present documentary or tangible evidence, conduct cross-examination, and submit rebuttal evidence.

(C) Any party to an administrative hearing may participate in person or be represented by counsel.

(D) If a party fails to attend or participate in a hearing, a hearing officer may adjourn the proceedings and issue a default order.

(E) In an administrative hearing, findings of fact shall be based exclusively on the evidence on the record. The strict rules of evidence governing civil proceedings shall not apply.

(F) All testimony shall be made under oath or affirmation. Any part of the evidence may be received in written form if doing so will expedite the hearing without substantial prejudice to the interests of any party, or if such practice is authorized by statute. Any party shall have the right to inspect the documentary or tangible evidence relating to an administrative hearing either in person or by counsel. Copies of documentary evidence may be obtained upon the payment of a fee, except documents protected from disclosure by state or federal law.

(G) Objections to evidentiary offers may be made by any party and shall be noted in the record.

(H) A hearing officer may take official notice of any matter of which a court of the Commonwealth may take such notice.

(I) A hearing officer shall cause all testimony in a hearing to be accurately and completely recorded. Any person, upon request, may receive a copy of the recording. A hearing officer may prepare a transcript of a hearing upon request but the party making the request shall be responsible for the cost thereof.

§ 32.624 ORDERS; APPEALS.

(A) Within a reasonable time after the conclusion of the hearing, a hearing officer shall issue a written order which shall include findings of fact, conclusions of law, and disposition of the hearing, including penalties, if any. A copy of the order shall be sent to each party.

(B) Orders of a hearing officer may be appealed to the courts of the Commonwealth in accordance with applicable statutes. There shall be no appeals from such orders to the Board.

~~MARY T. MEAGHER AQUATIC CENTER OVERSIGHT BOARD~~

~~§ 32.660 ESTABLISHMENT; RESPONSIBILITIES.~~

~~—(A) There is hereby created a Mary T. Meagher Aquatic Center Oversight Board to advise and report at least annually to the Metro Parks Director and the Mayor and the general public. The responsibilities of the Board shall include:~~

~~—— (1) — Reviewing the annual operating budget for the Aquatic Center.~~

~~—— (2) — Causing to be conducted at least one audit annually of the facility by qualified independent professionals experienced in the operation and maintenance of the combined Aquatic Center concerning the safety, operation and maintenance, financial status, cleanliness, and customer satisfaction.~~

~~—— (3) — Be an advocate for the Mary T. Meagher Aquatic Center, and a steward of the private investments in the facility.~~

~~—— (B) — The Board meetings will be held at the Aquatic Center. The Board will meet at least annually or on an as needed basis called by a majority of the members and/or the Chairman, to review the annual audit, audit action plan, or any other issue related to the operation and maintenance of the Aquatic Center.~~

~~—— (C) — (1) — The Oversight Board will cause to be conducted an annual audit for safety, operation and maintenance, financial viability, cleanliness and customer satisfaction. The annual audit will be funded as an expense line item in the operations budget of the facility, subject to annual appropriations by the Metro Council. The Oversight Board will review the audit with the Metro Parks Department. The Department will then have 60 days to present to the Oversight Board an action plan to correct any deficiencies.~~

~~—— (2) — The Oversight Board will review and recommend the selection of professional independent consultant(s) and the conditions of the audit. The Board may review the annual operating budget of the Aquatic Center, and recommend appropriate actions(s) to the Director of~~

~~Metro Parks Department and the Mayor. The Oversight Board shall make known the final report to the Mayor and to the general public.~~

~~—— (3) — The maintenance and operations of the facility shall meet or exceed the standard set forth in Aquatic Facility Operator's Manual by Kent G. Williams 1995 or equivalent publication to which the parties agree.~~

~~§ 32.661 MEMBERSHIP; APPOINTMENTS; TERMS.~~

~~—— (A) — The Oversight Board shall be composed of the following persons who shall hold voting membership by virtue of their serving in the following public offices or the office holder's designee: Mayor, President of Water Company, and two members of the Metro Council.~~

~~—— (B) — The following user groups shall be represented on the Board by one voting member each: Competitive Swimming, Masters Swimmers, General Swimmers, Therapy/Special Needs, and Educational Program Swimmers. These appointments shall be made by the Mayor.~~

~~—— (C) — The Director of the Metro Parks Department shall serve as a nonvoting ex officio member of the Board. The Mayor may appoint other nonvoting ex officio members to the Board, as needed.~~

~~—— (D) — The Chairman of the Board shall be appointed by the Mayor and shall serve for one four-year term and may not succeed himself/herself. Following the initial term, the chair appointment shall be made from a panel of three names recommended by the Board and submitted to the Mayor.~~

~~—(E)— User Representatives shall be appointed by the Mayor for a term of three years for each group. A user group representative shall serve for no more than two consecutive terms and appointment shall be made to reflect as much diversity as practicable from within each group. The Chair shall have the responsibility to recommend to the Mayor the removal of a User Group representative for lack of participation and/or inability to serve.~~

~~§ 32.662 COMMITTEES OF OVERSIGHT BOARD.~~

~~—(A)— There will be an Executive Committee, a Nominating Committee and a Development Committee. Other Committees may be added from time to time as the Board deems necessary. The Executive Committee shall meet quarterly.~~

~~—(B)— The Executive Committee shall be composed of the Chairman, one Public Representative and one User Group Representative appointed by the Chairman.~~

~~—(C)— The Nominating Committee shall be composed of the Chairman, one Public Representative and one User Group Representative appointed by the Chairman. The Committee shall meet and with the consent of the Board recommend to the Mayor three names to an expired term or vacancy within the User Group representatives.~~

~~—(D)— The Development Committee shall be composed of a Chairman appointed by the Chairman of the Oversight Board, and members recruited to serve on the Committee by the Chairman of the Development Committee. The Development Committee shall assist in the recruitment of new customers, both individuals and groups, and fundraising for capital and ongoing improvements of the Aquatic Center. The Development Committee shall coordinate and have its activities and plans for recruiting and fundraising approved in advance by the Oversight~~

~~Board. The Development Committee shall meet as needed and report quarterly to the Executive Committee of the Board.~~

~~§ 32.663 PARKS DEPARTMENT; RESPONSIBILITIES.~~

~~— (A) — The Metro Parks Department is responsible for the management of the facility including:~~

~~—— (1) — Being responsible for the safety, operation and maintenance, financial viability, cleanliness, and customer satisfaction of the facility, proposing an annual operating budget.~~

~~—— (2) — Keeping the finances, business plans and records.~~

~~—— (3) — Developing and implementing an action plan to correct any deficiencies identified in the annual audit, including areas of capital improvements.~~

~~—— (4) — Scheduling balanced and impartial use of the Aquatic Center to accommodate the legitimate, reasonable needs of the user groups, including the general public, therapy/special needs, masters and competitive swimmers.~~

~~MUSEUM~~ LOUISVILLE SCIENCE CENTER

§ 32.700 ESTABLISHMENT.

~~The Operating Agreement entered into in March, 1984 by the city, county, and the Museum of History and Science Foundation has been amended by separate action of the Metro Council to reflect the undertaking of the Metro Government of all duties and obligations of the previous entities under the Cooperative Compact. — The Louisville Science Center, formerly known as the~~

Museum of History and Science Foundation, is governed by an Operating Agreement, as amended, and originally entered into March, 1984, by the City of Louisville, Jefferson County and the Museum.

JEFFERSON COUNTY COMMUNITY IMPROVEMENT DISTRICT

§ 32.745 PARTICIPATION.

The Metro Government shall participate and join in the administration of the Jefferson County Community Improvement District, according to the provisions of KRS Ch. 107.

HUMAN RELATIONS COMMISSION

§ 32.755 RESERVED.

§ 32.756 YOUTH REPRESENTATIVES.

(A) Pursuant to the ordinances and resolutions establishing the Louisville/~~Jefferson County Metro~~ Community Action ~~Partnership Commission~~, the Louisville and Jefferson County Human Relations Commission - Advocacy, and the Louisville Metro Criminal Justice Commission, the Mayor ~~shall~~ may appoint as members of each of the three said Commissions ~~at least up to two~~ persons who during the tenure of their appointment, shall not attain their 21st birthday. Those persons shall be bona fide students at the time of their appointment, and shall be of a good character and demonstrated leadership capabilities.

(B) The selection of these persons as youth representatives shall be made, to the maximum extent possible, with the advice of various youth groups within the community

§ 32.757 ASSISTANCE TO VICTIMS OF BIAS-RELATED CRIMES.

Whenever the Division of Police has provided information concerning a victim of a bias-related crime, as defined in § 130.50, to the Executive Director of the Louisville/Jefferson County Human Relations Commission, either the Executive Director or his/her designee shall make reasonable efforts to contact the victim for the purpose of offering to help the victim deal with the Division of Police and other interested agencies.

§ 32.758 COMMISSION TO STUDY BIAS-RELATED CRIMES.

The Louisville/Jefferson County Human Relations Commission is directed to make studies of bias-related tensions in the Metro Government arising from bias-related crimes as defined in § 130.50. The Louisville/Jefferson County Human Relations Commission shall report the findings of such studies semi-annually to the Metro Council and the Mayor, and shall make recommendations on remedial actions to relieve, reduce, or prevent bias-related tensions in particular areas of the Metro Government or on a Metro Government-wide basis.

§ 32.759 COMMISSION TO HAVE PROGRAMS TO REDUCE BIAS-RELATED CRIMES.

The Louisville/Jefferson County Human Relations Commission is authorized to develop and initiate educational and other programs designed to reduce bias-related tensions and the incidence of bias-related crimes, as defined in § 130.50, either in particular areas or on a Metro Government-wide basis.

REDEVELOPMENT AUTHORITY

§ 32.765 ESTABLISHMENT.

~~That the City of Louisville~~ Metro Government is authorized to establish, ~~jointly with Jefferson County,~~ a nonprofit, nonstock corporation pursuant to KRS Chapter 58 to be known as the Louisville/~~Jefferson County~~ Redevelopment Authority ("the Authority"). ~~and that~~ The Authority shall act as an agency, instrumentality and constituted authority of the Metro Government for the purposes set out in § 32.766.

§ 32.766 POWERS.

~~That~~ The Authority shall possess and exercise all the powers of a corporation pursuant to KRS Chapter 58 and Chapter 273, including but not limited to the following:

(A) Possess all necessary powers to apply for and accept grants, contributions and donations from the federal, state or local governments, corporations, or individuals;

(B) Possess all necessary powers to operate, maintain and develop surplus military facilities as privatized facilities and to lease said surplus facilities as privatized facilities, commercial business or industrial development. ~~plan and implement the conversion of the Station from a military facility owned by the Federal government to a privatized facility owned by the corporation; and~~

~~—(C) Possess all necessary powers to operate, maintain and develop the Station as a privatized facility.~~

§ 32.767 BOARD OF DIRECTORS.

(A) ~~That~~ The Authority shall have a Board of Directors as determined by the Articles of Incorporation for the Authority. The Board of Directors shall, at a minimum, include the

following governmental representatives: the Mayor, or his designee, a member of the Metro Council appointed by the President of the Metro Council, and the United States Representative from the 3rd Congressional District of Kentucky.

(B) The members of the Board of Directors shall be appointed by the Mayor with approval of the Metro Council.

§ 32.768 ~~DIRECTOR.~~ STAFF SUPPORT.

The ~~Authority~~ Director of the Economic Development Department may designate staff from such department to assist ~~shall have an executive Director selected through a competitive hiring process by the Mayor and such staff as is deemed necessary by~~ the Board of Directors to accomplish the purposes of the Authority and may request reimbursement for its cost incurred from the Authority.

§ 32.769 AUTHORIZATION OF OFFICERS TO ESTABLISH AUTHORITY.

(A) ~~That~~ The Mayor and other appropriate officers and employees of the Metro Government are authorized and directed to execute, acknowledge, and deliver on behalf of the Metro Government any and all papers, instruments, certificates, affidavits and other documents; and to do and cause to be done any and all acts and things necessary or proper for the establishment of the ~~Naval Ordnance Station~~ Louisville Redevelopment Authority.

(B) ~~That~~ The Mayor and other appropriate officers and employees of the Metro Government are authorized and directed to apply for and accept grants from the Federal government for the purpose of planning and implementing the conversion of the Station to a privatized facility.

DEPARTMENT OF ECONOMIC DEVELOPMENT

§ 32.870 ESTABLISHMENT; POWERS AND DUTIES.

(A) The Metro Government may create a department for the purpose of promoting economic development throughout Jefferson County.

~~(B) The Metro Government shall provide all staff necessary to carry out the duties assigned. The officers, employees, and staff of the joint Office for Economic Development shall be transferred to this Office.~~

~~(C) The Metro Government shall serve as fiscal agent for the office. The employees of the office shall be covered by the Metro Government's classification and compensation ordinance.~~

~~(D) (B) Employees of the office shall have such rights to collectively bargain as are given to other Metro Government employees by ordinance. In the event that recognition is granted to a collective bargaining organization, negotiations will be led by the Metro Government as fiscal agent. Any resulting collective bargaining agreement must be passed by the Metro Government as fiscal agent.~~

~~(E) The Mayor shall appoint an Administrator. The Administrator shall serve at the pleasure of the appointing authority. In the event that the appointing authority terminates the Administrator, such termination may take effect immediately. The compensation of the Administrator shall be fixed by the Metro Government as fiscal agent for the office. The administrator is authorized to employ the necessary staff and personnel for the operation of the office subject to availability of funds.~~

~~—(F)— The operating costs, including all salaries, of the office shall be financed by annual appropriations from the Metro Government.~~

~~—(G)— Following the procedures of the Metro Government for budget preparation, the Mayor shall present to the Metro Council a proposed budget stating the amount of money needed for the next fiscal year. All expenses of the Department shall be paid by the Metro Government as fiscal agent.~~

~~—(H)— All property owned by the Metro Government at or before the effective date of this agreement shall, remain the property of the Metro Government, although it is the intention of the Metro Government that the property shall be under the control of the office to be used in the operation of the office.~~

~~—(I)— In the event of the dissolution of the office, the unused funds appropriated to the account and any assets not otherwise disposed of by the office shall be resumed to the Metro Government according to the percentages in which the sums had been appropriated to the office.~~

~~—(J)— Economic Growth Fund. In order to further efforts of the Metro Government to create new jobs and strengthen the occupational tax base, the Metro Government hereby creates an Economic Growth Fund. This fund will be used for infrastructure development within the community in order to create employment opportunities. All decisions on expenditures from the Fund will be made by the Metro Council by resolution upon recommendation of the Mayor.~~

ZOO

§ 32.875 ~~ESTABLISHMENT~~ ZOO FOUNDATION.

The Louisville Zoological Foundation, through its Board of Trustees, shall advise the mayor on the management of the Louisville Zoological Gardens. The Louisville Zoological Foundation is a separate, non-profit 501(c)(3) entity which exists to foster a partnership between Louisville Metro, the private sector and state and federal Governments through strategic initiatives focused upon the Zoo's commitment "To Better the Bond Between People and the Planet"; to solicit and receive contributions and grants of money and property from individuals, private organizations, public organizations, the Commonwealth of Kentucky and the federal Government to support programs and activities at the Louisville Zoological Gardens; to assist and advise the Zoo staff with the development and implementation of a strategic plan to meet the goals set forth within the plan; and to annually operate without pecuniary profit or financial gain in fulfilling its purpose, as a nonprofit exempt organization under the provisions of KRS Chapter 273 and title 26, Section 501 (c) (3) of the United States Code.

~~(A) The Louisville and Jefferson County Zoological Commission was dissolved as a corporate entity and all assets and liabilities of the Commission were transferred to the Metro Government.~~

~~(B) The Metro Government shall continue to be responsible for maintaining and conducting the operation of the Louisville Zoological Gardens, 1100 Trevillian Way, Louisville, Kentucky. The Metro Government shall continue to assume full funding responsibility, administrative responsibility, and fiscal control for the Louisville Zoological Gardens.~~

~~—(C)— The Metro Government shall continue to provide all staff support, including a Director, to the Louisville Zoological Gardens and all staff shall be deemed Metro Government employees and shall be subject to the control of the Mayor.~~

~~—(D)— (1) There is established a Zoo Animal Fund to provide money for the purpose of the acquisition and disposition of animals and specific animal programs. The fund shall be comprised of money generated by the sale of animals, animal programs, and donations for the purchase of animals or specific animal programs.~~

~~—(2) All moneys paid into the fund shall accumulate in the fund until expended at such times and in such amounts as the Director, consistent with this authority and the purpose of the fund herein expressed, may from time to time direct. All moneys in the fund may be invested pursuant to the requirements of KRS 91A.01g.~~

~~—(3) All procurements and distributions under this fund shall be done in accordance with the Metro Government's Procurement and Distribution Code as it regulates sole source purchases.~~

~~—(E)— This section supersedes and replaces any other agreement or enactment of the city and the county that created a Louisville and Jefferson County Zoological Commission.~~

COMMUNITY ACTION AGENCY

§ 32.885 APPLICATION FOR RECOGNITION.

The appropriate officers of the Metro Government are authorized and directed to execute an application for recognition of a community action agency with the community services

administration of the United States Government for the purpose of making a change in designation of the existing community action agency pursuant to the terms of a new city-County interlocal cooperation agreement.

§ 32.886 PURPOSE.

The general purpose of the agency is to serve as a corporation under KRS 273.410(2), in an exclusively charitable and educational capacity, to foster and promote planning services and developmental efforts for the mobilization and utilization of resources, both public and private, in Jefferson County, for a coordinated remedial attack on conditions of poverty affecting the inhabitants of Jefferson County; to stimulate the provision of services and other activities toward developing employment and economic opportunities, improving human performance, individual and group motivation, productivity, and bettering conditions under which people live, learn, and work; to solicit, contract for, receive, administer, and disburse any funds, grants, bequests, devises, and other resources for the execution and implementation of specific or general problems in carrying out its purposes, and particularly for participation under the Community services act of 1974, as amended; and to do any and all lawful acts and to engage in any and all lawful activities, either alone or in conjunction or cooperation with other persons, agencies, governmental authorities, institutions, and organizations as may be necessary or appropriate in furthering one or more of such purposes.

§ 32.887 ESTABLISHMENT.

There is established and designated pursuant to KRS 273.435 the Louisville and Jefferson County community action agency as a joint corporate agency of the Metro Government to plan

and coordinate programs designed to combat problems of poverty and seek the elimination of conditions of poverty as they affect the inhabitants of Jefferson County.

§ 32.888 SPECIFIC PURPOSES AND FUNCTIONS.

The purposes and functions of the agency shall be as established in KRS 273.405 through 273.455, and shall encompass the following specific purposes and functions:

(A) To collect and analyze data on the incidence and nature of poverty in Jefferson County; identify subareas and groups where problems of poverty are concentrated; define major problems which require community action; and clarify objectives of attack on such problems.

(B) To analyze existing public and private agencies and services concerned with the problems of poverty; determine strategy and methods of fuller mobilization of public and private resources for support of community action efforts.

(C) To insure the participation of area residents in the development and implementation of plans and programs affecting their neighborhoods.

(D) To foster action planning for specific community services and programs, and plan with local governments and other public, private, and voluntary agencies or groups for the mobilization of required financial funds which may be available for such programs and for strengthening basic community services.

(E) To evaluate action, plan proposals, and foster cooperation among appropriate function agencies, public and private, for implementation of specific action programs recommended and approved as components of a community action program.

(F) To serve as the principal public agency of the Metro Government for the solicitation of and contracting for federal funds available under the community services act of 1974, as amended, and act as local area administering agent for the utilization and application of federal funds and other governmental and voluntary funds made available, either through subcontracting with appropriate operating organizations or by establishing necessary administrative suborganizations for this purpose.

§ 32.889 DIRECTOR.

There shall be a staff Director of the agency called the Director of the community action agency, who shall be appointed by the administering board. The Director shall have only such powers as are delegated to the Director by the administering board. The Director shall have such staff as is approved by the administering board. The Director and staff shall be primarily responsible for rendering technical assistance to the neighborhood policy boards and councils, hereinafter referred to, in fiscal, organizational, development (in-service training), and general program areas.

§ 32.890 ADMINISTERING BOARD.

(A) The agency shall administer its programs through an administering board. The administering Board shall have such powers and duties as possessed by the Board of directors of any private, nonprofit corporation incorporated in the commonwealth of Kentucky, including those specified by the rules and regulations of the community services administration of the United States Government, Kentucky State Department of Health and Human Services, KRS 273.439, and such other powers delegated to it by the Mayor, including but not limited to the following:

- (1) To appoint the executive Director of the community action agency;
- (2) To determine major personnel, organization, fiscal and program policies;
- (3) To determine overall program plans and priorities for the community action agency, including provisions for evaluating progress against performance;
- (4) To make final approval of all program proposals and budgets;
- (5) To enforce compliance with all conditions of all grants contracts;
- (6) To oversee the extent and the quality of the participation of the poor in the programs of the community action agency;
- (7) To determine rules and procedures for the administering board; and
- (8) To select the officers and the executive Committee, if any, of the administering board.

(B) The administering Board shall be broadly representative of the community and shall be composed of not less than 27 members. One-third of the members shall be public officials including the Mayor, or his or her representatives, who should be public officials with responsibilities for programs that are directly involved in antipoverty efforts such as school, welfare, health, housing, and urban renewal and employment service officials; one-third of the members shall be representatives from the impoverished areas of Jefferson County; and one-third of the members shall be officials or members of business, industry, labor, religious, private

welfare, private education, significant minority groups, and other major private groups and interests located and operating in the community.

(C) Representatives from identified impoverished areas of Jefferson County shall be truly representative of those low-income neighborhoods and must reside in the neighborhood represented.

(D) The initial appointments of members to the administering Board shall be made by the Mayor, and members other than public officials or their representatives, shall be selected from names submitted by the impoverished areas and by organizations, agencies, or groups selected by the designating officials to be represented on the board. Thereafter the filling of vacancies occurring in the administering Board by reason of expiration of a term of a member of the administering Board or for any other cause shall be made by the Mayor of those persons selected by the administering Board by a majority vote from names submitted by the various organizations, agencies, or groups selected to be represented on the board. However, vacancies occurring among the representatives of the identified impoverished areas shall be filled by a majority vote of the members of the administering Board from a list of names submitted by the appropriate local neighborhood agency. However, a vacancy in the group of public officials shall always be filled by the appointment of the Mayor.

(E) Members of the administering board, other than public officials, shall not serve for more than three consecutive years, or a total of six years.

(F) The administering Board shall elect a chairman from among its members who shall serve for a period of one year or until his successor is elected and qualified.

(G) A quorum of the administering Board shall consist of 50 percent of the current total membership of the board. The administering Board may adopt such rules of procedure and bylaws as it deems necessary in order to accomplish the purposes set forth hereinabove.

§ 32.891 FUNDS.

The Metro Council and Mayor may appropriate a sum during the fiscal year of each to be expended by the agency to carry out this agreement. The agency shall submit its proposed budget for approval by the Metro Council for the coming fiscal years in accordance with rules and regulations prescribed for or established by each for budgetary matters.

§ 32.892 COMPENSATION OF BOARD MEMBERS.

The members of the administering Board shall not receive any compensation for their services. However, they shall receive their actual and necessary expenses, including traveling expenses, according to Metro Government guidelines for such reimbursements.

§ 32.893 REPORTS REQUIRED.

The agency shall file with the Mayor a detailed report of all its transactions, including a statement of all revenues and expenses as the Mayor may request from time to time, but such report shall be filed at least annually by June 1 of each year.

§ 32.894 FISCAL AGENT.

The Metro Government shall act as fiscal agent for the agency and the agency shall abide by all established rules and procedures of the Metro Government, as to the receipt, expenditure, and accounting for all funds and property of the agency, subject, however, to any and all

requirements established by the community services administration of the United States Government.

§ 32.895 AUTHORITY TO USE SERVICES OF VARIOUS AGENCIES.

The agency is authorized and directed to use the services of the Purchasing Department, the facilities of the general services administration of the United States Government, or other means authorized by law in securing the necessary supplies and equipment to accomplish the purposes for which the agency is formed. However, if the agency elects to use the facilities of the Purchasing Department or other means authorized by law, the agency shall be restricted to the general services administration prices.

§ 32.896 PROPERTY OF AGENCY.

All property, real or personal, tangible or intangible, shall be acquired, held, and disposed of by the community action agency as agent for and in the name of the Metro Government.

§ 32.897 TITLE TO PROPERTY.

The Metro Government shall have an interest in all property of any kind whatsoever acquired by the agency. At the termination of this agreement, the Metro Government shall divide the agency's property or the proceeds of any sales thereof in accordance with its interests established by this agreement. Nothing in this agreement shall prevent the agency from leasing or borrowing property to further the purposes of this agreement.

§ 32.898 POWER TO CONTRACT.

The agency shall have the power to enter into contracts in its own name as a corporate entity subject to the approvals normally required by the Metro Government which acts as fiscal agent.

§ 32.899 LENGTH OF AGREEMENT.

This agreement shall continue from year to year, from July 1 through June 30, unless notice of termination is given by either party hereto, at least 60 days prior to June 30 of each year.

~~CIVILIAN POLICE REVIEW AUTHORITY~~

~~§ 32.920 CIVILIAN POLICE REVIEW AUTHORITY.~~

~~—(A)— *Civilian police review authority established.* There is hereby created a Civilian Police Review Authority for the purpose of investigating allegations of misconduct on the part of officers of the Division of Police. The review authority shall make findings of fact and conclusions. The review authority may also make recommendations of policy as related to those findings. The review authority shall hire its own administrative and investigative paid staff. This staff shall include an executive director who shall be an attorney at law licensed in the Commonwealth of Kentucky. Investigators hired by the review authority shall be civilians who have prior experience or training as investigators. "Civilian," for the purpose of this section, is a person who has never been a member of the Division of Police.~~

~~—(B)— *Scope of authority.* The review authority shall receive complaints that allege misconduct by a police officer or officers, including, but not limited to, the following:~~

~~—(1)— Use of excessive force;~~

~~—(2)— Inappropriate language or demeanor;~~

~~—— (3) — Harassment;~~

~~—— (4) — Discrimination in providing police services or other discriminatory conduct on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, disability or age;~~

~~—— (5) — Theft;~~

~~—— (6) — Failure to provide adequate or timely police protection.~~

~~—— (7) — Any matter within its scope and authority.~~

~~—— (C) — *Composition.* The review authority shall be comprised of 11 members, five shall be civilians of each of the five police districts, one shall be a former Judge in the Commonwealth of Kentucky, one a former police officer who has never been a sworn officer of the Division of Police, one professor from the University of Louisville School of Law or Southern Police Institute, two individuals appointed by the Mayor, and an Executive Director. All of the aforementioned individuals shall be appointed by majority vote of the Metro Council.~~

~~—— (D) — *Training.* Each member of the review authority must participate in 20 hours of training at the Police Department's Citizen's Academy to be completed annually. Additionally each member shall be required to accompany an on duty officer a minimum of two times per year. Additionally, all review authority members must complete educational opportunities offered by the International Association for Civilian Oversight of Law Enforcement conferences, seminars and workshops.~~

~~—— (E) — *Compensation; limitation.* Each member shall be paid \$20 for each day when the member attends one or more meetings or hearings, or provides other services as authorized by~~

~~the rules of the authority, and shall be reimbursed for expenses incurred in the performance of duties in the same manner and amount as other Metro Government board and commission members.~~

~~—(F)—*Review authority; duties.*~~

~~———(1)—— Rulemaking notice and hearing. The review authority shall adopt rules and procedures governing its operation. All rules, and any amendments thereto, except rules governing the review authority's internal operations, shall be enacted after a public hearing, at which interested persons may present written and oral comments. The review authority shall consult with the Chief of Police and Secretary of the Cabinet for Public Protection in developing these rules. The review authority shall, at least 30 days prior to the date set for the hearing, give notice of its intention to adopt rules by publishing notice of the proposed rule, the date and location of the hearing. The proposed rules are incorporated in full by reference herein as Exhibit A.~~

~~———(2)—— Hearing procedure. Rulemaking hearings shall be presided over by the chairperson of the review authority. The chairperson shall ensure that all persons involved in the hearing are treated fairly and impartially. After hearing and considering evidence, the review authority may choose to enact the proposed rule, enact an amended rule, or to not enact a rule. If the review authority chooses to enact a rule, the review authority shall enter into the record any written exhibits in support of the rule, along with a brief statement explaining why the review authority has adopted the rule and shall submit such rule for approval by a majority of the Metro Council.~~

~~—— (3) The review authority may enact additional rules for its internal operation. These rules need not be enacted subsequent to a public hearing nor be submitted to the Metro Council for approval. Such rules shall be procedural rather than substantive and shall not have a direct impact on the rights of officers of the Division of Police.~~

~~—— (4) The total amount of per diem and reimbursable expenses payable under this section shall not exceed the total annual budget allocation for such costs.~~

~~—— (5) The review authority shall cooperate with the Chief of Police in developing procedures pursuant to KRS 15.520 and Garrity v. New Jersey, 385 U.S. 493 (1967) and Gardner v. Broderick Police Commissioner NY, 392 U.S. 273 (1968).~~

~~—— (G) *Meetings.* The review authority shall meet once every month at a regularly scheduled time and place for the purpose of conducting evidentiary hearings and/or to conduct any other business necessary to the operation of the review authority. The review authority may meet at such additional times and places deemed necessary by its members, or on the call of the Chairman of the Authority and pursuant to the Kentucky Open Meetings Act.~~

~~—— (H) *Members; removal.* Any member of the review authority may be removed for incompetence, neglect of duty, misconduct or malfeasance by vote of a majority of the Review Authority and approval by the Metro Council. The Metro Council shall fill any vacancy occasioned by resignation, death, or removal of a member for the balance of the unexpired term by appointment in the same manner in which individuals are initially appointed.~~

~~—— (I) *Complaint filing.* Any person who has personal knowledge of alleged misconduct on the part of a police officer may file a complaint with the review authority by submitting said~~

~~complaint at locations to be determined by the review authority. The review authority shall select at least one location for the receipt of complaints that is not affiliated with the Division of Police, nor staffed by the Division of Police employees.~~

~~—(J)— *Preliminary review.* Within 30 days of the date that a complaint was filed, the review authority shall make a preliminary review of each complaint and determine whether an investigation of the alleged misconduct is warranted, whether the matter shall be mediated or whether no further action is necessary. This decision shall be made in accordance with the rules promulgated by the review authority. The rules and guidelines shall provide some discretion to the executive director to begin investigations in lieu of a preliminary review. All complaints shall be kept on file regardless of whether an investigation is initiated.~~

~~—(K)— *Investigations.* If the review authority determines by two thirds majority vote present that further investigation is warranted, an investigator selected and hired by the review authority shall investigate the complaint. Such investigation shall be completed within 120 days of the date that the complaint was filed. The review authority may once extend this deadline by an additional 60 days, with a written explanation of the reason(s) for the extension. The application of this deadline may be held in abeyance during such time as the review authority determines that an investigation might impede or harm a criminal investigation and or Internal Affairs Investigation.~~

~~—(L)— *Evidentiary hearings.* Upon the completion of the investigation of a complaint, the review authority may dismiss, with the filing of written reasons for the dismissal, the complaint for lack of merit or conduct an evidentiary hearing. At an evidentiary hearing, the review authority shall weigh and consider all reliable and credible evidence presented. The review~~

~~authority shall make reasonable efforts to commence and complete evidentiary hearings within 60 days of the completion of the investigation. The chairperson of the review authority shall appoint a panel of one, three, five or seven members to conduct such evidentiary hearing. The chairperson of the review authority shall designate a chairperson of each panel. The executive director shall present evidence to the panel. The employee may present evidence and conduct cross-examination of witnesses. No person other than the director or the employee, or their attorney or agent, may participate in the conduct of the hearing.~~

~~—(M)— *Subpoena power.* The chairperson of the review authority may compel the presence of fact witnesses and officers by written request to the appointing authority to issue a subpoena pursuant to KRS 15.520 within three days of the receipt of the request. Notice of refusal of the appointing authority to comply with this request shall be forwarded, in writing, to the Mayor, Chairperson of the review authority, Chief, and president of the Metro Council. After receipt of the notice of refusal to issue a subpoena from the appointing authority the chairman may then initiate issuance of the same as provided by law.~~

~~—(N)— *Findings of fact and determination.* Within 30 days of the completion of an evidentiary hearing, the review authority shall issue a written report containing findings of fact and a determination of whether the complaint is sustained. This report shall be made public when permitted by the Kentucky Open Records Act. When a complaint is sustained, the findings of fact and the determination shall be submitted to the Chief of Police, who shall make a disciplinary decision based upon this information. The Chief of Police shall provide the review authority, the Metro Council and the Mayor with a written explanation of the reason(s) for his/her disciplinary decision.~~

~~—(O)— *Confidentiality.* The members, staff, and contractors of the review authority shall comply with all of the provisions of the Kentucky Open Records Act. All members, staff, and contractors of the review authority shall sign a contract agreeing to comply with the provisions of the Kentucky Open Records Act and KRS 15.520, the Police Officers Bill of Rights. In return, the Metro Government will afford to such member, staff, or contractor the same legal protection that any other agent or employee of the Metro Government receives who performs duties within the scope of employment.~~

~~—(P)— *Notice to parties.* The review authority shall notify the complainant(s) and police officer(s) in a timely fashion of the status or disposition of the complaint in conformance with KRS 15.520.~~

~~—(Q)— *Period of limitation.* No person may file a complaint with the review authority if one year has elapsed since the alleged misconduct.~~

DIVISION OF FIRE

~~§ 32.935 ESTABLISHMENT.~~

~~—(A)— *Fire and Rescue Advisory Committee.*~~

~~—(1)— The Mayor shall appoint a new Fire and Rescue Advisory Committee, hereinafter referred to as "the Committee," to perform the duties and functions set forth in this section and, upon request, to assist and advise the Mayor and the Secretary of the Cabinet for Public Protection on matters relating to the Department of Public Safety, Division of Fire including the Bureau of Emergency Medical Services, except for matters relating to individual employee~~

~~actions, grievances, and discipline. The Committee may provide guidance on the Bureau of Emergency Medical Services in such areas as human relations, the relationship of the Bureau of Emergency Medical Services with other health systems, public relations, planning and development, future funding, and evaluation of the effectiveness of the Bureau.~~

~~———(2)—— The Committee shall consist of 14 outstanding and public spirited members who shall be appointed by the Mayor. Committee members shall serve at the pleasure of the Mayor. All members shall be residents of the Metro Government and shall be broadly representative of the community as a whole, from business, labor, health related fields, and neighborhoods, and shall consist of: two members shall be active in a prominent minority oriented civic organization, four to be representatives of health related fields, five to be representatives from a cross section of the community at large, and three to be representatives of the business and professional community. In addition to the 14 citizen members, the Medical Director of the EMS Bureau shall be an ex officio voting member of the Committee. In addition to the 14 citizen members, the Fire Chief shall be an ex officio voting member of the Committee except the Fire Chief shall not be an ex officio voting member on issues relating to the performance appraisal or other matters directly related to the performance of the Fire Chief.~~

~~———(3)—— The terms of the members shall be for three years or until their successors are appointed and qualified, except that of the members first appointed four shall be appointed for one year terms, four shall be appointed for two year terms, and four shall be appointed for three year terms; the initial terms will be deemed to have begun on March 15, 1982. On an annual basis, the Mayor shall designate the chairperson, who may serve for successive terms.~~

~~——(B)—— *Selection, confirmation, and appointment of Chief of Fire.*~~

~~—— (1) When an incumbent in the office of the Chief of Fire retires or when a vacancy exists in the office, the Mayor shall direct the Committee to recruit candidates for the office of Chief of Fire and to review their qualifications. Upon completion of the review process, the Committee shall submit to the Mayor its recommendations of the most qualified candidates for the office. The number of candidates recommended to the Mayor shall be not less than three nor more than five. The Mayor will nominate a Chief of Fire from among the most qualified candidates submitted; however, the Mayor may ask the Committee to reconsider its recommendations or to consider other qualified candidates. The recommendations of the Committee shall remain confidential unless disclosed by the Mayor.~~

~~—— (2) The Mayor shall transmit to the Metro Council, at a regular meeting, the nomination for Chief of Fire. The Metro Council shall confirm or reject the nomination of the Chief at its next or at its second regular meeting thereafter. Upon confirmation of the nomination, the nominee shall be appointed to the office of Chief of Fire pursuant to applicable law. In the event that the Metro Council does not act to confirm or reject the nomination of the Chief of Fire by its second regular meeting, the appointment shall take effect as if the Council had confirmed it.~~

~~—— (C) *Performance appraisal of the Chief of Fire.*~~

~~—— (1) On an annual basis, the Committee shall assist the Secretary of the Cabinet for Public Protection in reviewing the performance of the Chief of Fire and the operation of the Division of Fire. The Committee shall report its findings and recommendations to the Secretary of the Cabinet for Public Protection not later than the second week in April for the preceding calendar year. The deliberations, findings, and recommendations of the Committee shall be~~

~~confidential as personnel matters and preliminary recommendations, unless disclosed by the Mayor.~~

~~———— (2) ——— The appraisal of the performance of the Chief of Fire shall be based on both individual and organizational performance, taking into account such factors as improvements in efficiency, productivity, and quality of work or service; improvements in community relations; cost efficiency; timeliness of performance; and courtesy to the public. The appraisal of performance shall be based on established performance standards which will, to the maximum extent feasible, permit the accurate evaluation of performance of critical job elements on the basis of objective criteria. The performance requirements will be established by the Secretary of the Cabinet for Public Protection in consultation with the Committee and the Chief of Fire, and will be subject to the approval of the Mayor.~~

~~———— (3) ——— After receiving the findings and recommendations of the Committee, permitting the Chief of Fire an opportunity to review and comment on those findings and recommendations, and any other review of performance, the Secretary of the Cabinet for Public Protection will appraise the performance of the Chief of Fire. The performance appraisal by the Secretary of the Cabinet for Public Protection, any comments by the Chief of Fire, and the findings and recommendations of the Committee will be transmitted to the Mayor by may 15 of each year.~~

~~———— (4) ——— Based on the information provided, within 30 days, the Mayor will concur with the performance appraisal as submitted or will issue his own appraisal of the performance of the Chief of Fire. If the Mayor does not substantially concur with the performance appraisal as submitted, he will make public that appraisal and his or her own appraisal.~~

~~DIVISION OF POLICE~~

~~§ 32.945 POLICE ADMINISTRATION ADVISORY COMMITTEE.~~

~~—(A)— *Establishment.*~~

~~—(1)— The Mayor shall appoint a Police Administration Advisory Committee to advise the Mayor and the Secretary of the Cabinet for Public Protection on matters relating to the Department of Public Safety, Division of Police, except for matters relating to individual employee action, grievances and discipline.~~

~~—(2)— The Police Administration Advisory Committee shall consist of a chief executive officer of a Metro Government corporation, an attorney with significant experience as a prosecutor, a professor or administrator at a business school in the community, a professor or administrator at the University of Louisville Southern Police Institute, a person who is active in a prominent, minority-oriented civic organization and six other members, selected by the Mayor subject to approval by the Metro Council. Members shall be selected so that there shall be a resident of each Police District on the Committee. In addition, a Councilmember selected by the President of the Council shall be a member of the Committee. The terms of the members appointed by the Mayor shall be for three years or until their successors are appointed and qualified, except that of the members first appointed four shall be appointed for one year terms, four shall be appointed for two year terms, and three shall be appointed for three year terms. The initial terms will be deemed to have begun on January 1, 1991. On an annual basis, the Mayor shall designate the Chairman, who may serve for successive terms.~~

~~—(B)— *Performance appraisal.*~~

~~—— (1) — On an annual basis, the Secretary of the Cabinet for Public Protection shall appraise the performance of the Chief of Police. The Police Administration Advisory Committee shall assist the Secretary of the Cabinet for Public Protection in reviewing the performance of the Chief of Police and the operation of the Division of Police. The Committee shall report its findings and recommendations to the Secretary of the Cabinet for Public Protection not later than the second week in February for the preceding calendar year. The deliberations, findings, and recommendations of the Committee shall be confidential as personnel matters and preliminary recommendations, unless disclosed by the Mayor.~~

~~—— (2) — The appraisal of the performance of the Chief of Police shall be based on both individual and organizational performance, taking into account such factors as: improvements in efficiency, productivity, and quality of work or service; improvements in community relations; cost efficiency; timeliness of performance; and courtesy to the public. The appraisal of performance shall be based on established performance standards which will, to the maximum extent feasible, permit the accurate evaluation of performance of critical job elements on the basis of objective criteria. The performance requirements will be established by the Secretary of the Cabinet for Public Protection in consultation with the Police Administration Advisory Committee and the Chief of Police and will be subject to the approval of the Mayor.~~

~~—— (3) — In developing its findings and recommendations, the Committee shall consider comments submitted by any interested group including, but not limited to, the Fraternal Order of Police, the Black Police Officers' Organization, prosecutors and law enforcement agencies, neighborhood organizations, the judiciary, bar associations, social service agencies, business and labor groups, and minority-oriented civic organizations.~~

~~———— (4) ——— After receiving the findings and recommendations of the Police Administration Advisory Committee, permitting the Chief of Police an opportunity to review and comment on those findings and recommendations, and any other review of performance, the Secretary of the Cabinet for Public Protection will appraise the performance of the Chief of Police. The performance appraisal by the Secretary of the Cabinet for Public Protection, any comments by the Chief of Police, and the findings and recommendations of the Police Administration Advisory Committee will be transmitted to the Mayor by March 15 of each year.~~

§ 32.998 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION II: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

LMCO32AdministrativeBodiesROCbknBabsDraft1.doc
Chapter 32 – Boards & Agencies – Final draft – 4 may 2007 – roc/bkn/BabsE/WTW
Chapter 32 as amended 6-22-07 ldw
Chapter 32 as amended 6-27-07 per BW by ldw

3-16-07